

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 21 and 51 have been canceled without prejudice or disclaimer, and claims 1, 7, 10, 11, 15, 17, 20, 29, 30, 32, 33, 38, 39, 42, 45, 49, 50, 58, 60, and 62 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-20, 22-50, and 52-62 are pending and under consideration.

CHANGES TO THE SPECIFICATION:

The Abstract has been reviewed in response to this Office Action. Changes have been made to the Abstract only to place it in preferred and better U.S. form for issuance and to resolve the Examiner's objection raised in the Office Action. No new matter has been added.

DOUBLE PATENTING REJECTION:

In the Office Action, at page 2, the Examiner provisionally rejected claims 1-23, 29, 31, 39-57, 61 and 62 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of co-pending Application No. 10/385,566.

Since both applications are currently pending, Applicants respectfully request that the provisional rejection be held in abeyance until all other issues have been resolved.

ALLOWABLE SUBJECT MATTER:

In the Office Action, at page 6, the Examiner indicated that claims 24-28 are allowed, and that claims 30, 33-36, 38, and 58-60 would be allowable if rewritten in independent form. Applicants respectfully submit that claims 30 and 58 have been rewritten in independent form, and are now allowable.

REJECTION UNDER 35 U.S.C. §112:

In the Office Action, at page 3, the Examiner rejected claims 10, 15 and 60 under 35 U.S.C. §112, second paragraph for the reasons set forth therein.

Applicants respectfully submit that the amendments overcome the Examiner's rejections.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action, at page 4, the Examiner rejected claims 1-6, 11-20, 29, 31, 39-43, 45, 49, 50, 55-57 and 62 under 35 U.S.C. §102(b) as being anticipated by Franck (US 3,835,660 – hereinafter Franck). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

In the Office Action, at page 4, the Examiner rejected claims 7-9, 11, 12 and 17 under 35 U.S.C. §102(b) as being anticipated by Vismara (US 5,730,516 – hereinafter Vismara). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

In the Office Action, at page 5, the Examiner rejected claims 7-9, 11-13, 15-18, 20, 22 and 23 under 35 U.S.C. §102(b) as being anticipated by Mandel (US 5,368,381 – hereinafter Mandel). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

In the Office Action, at page 5, the Examiner rejected claims 32 and 37 under 35 U.S.C. §102(b) as being anticipated by Rand, et al. (US 6,094,934 – hereinafter Rand). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

Amended, independent claim 1 recites: "...a support panel disposed within the partition wall."

Amended, independent claim 7 recites: "...a cabinet chassis mounted along an outer surface of the outer casing to finish front edges of the inner and outer casings, wherein the cabinet chassis comprises a first part extending a predetermined distance from the outer casing in a first direction, a second part extending from the first part, away from the cabinet, and a third part extending from the second part opposite the first direction."

Amended, independent claim 11 recites: "...at least one inter-casing structure provided in the space defined between the inner and outer casings at a position adjacent to the front flange of the inner casing, wherein the outer casing comprises a support flange that extends toward the inner casing adjacent to the at least one inter-casing structure to support the inter-casing structure, and the at least one inter-casing structure comprises a sealing member interposed between the front flange of the inner casing and the support flange of the outer casing to prevent a leakage of urethane foam that fills the space between the outer casing and inner casing."

Amended, independent claim 17 recites: "...a sealing member interposed between the front flange of the inner casing and the support flange of the outer casing to prevent a leakage of urethane foam that fills the space between the outer casing and inner casing."

The subject matter of claim 21 has been incorporated into independent claim 20, which now recites: "...a hot pipe provided in the gap defined between the support flange of the outer casing and the front flange of the inner casing, such that the hot pipe is supported by the support flange."

Amended, independent claim 29 recites: "...at least one sealing member provided between the support member and the inner casing preventing insulation disposed between the inner and outer casings from contacting the partition wall structure."

Amended, independent claim 32 recites: "...the outer casing being formed as a single-piece construction...."

The subject matter of claim 51 has been incorporated into independent claim 39, which now recites: "...wherein the cabinet is installed in a recess in a wall, and the cabinet further comprises a cabinet chassis, mounted along an outer side of the outer casing at the first side thereof, to cover a gap between the cabinet and the wall."

Amended, independent claim 42 recites: "...wherein the outer casing comprises: a support flange adjacent to the inter-casing structure, with a first part extending from the outer casing toward the inner casing and having a bent-part extending from the first part away from the first flange, the bent-part contacting and supporting the inter-casing structure, and strengthening the support flange."

And claims 45, 49, and 50 have been rewritten in independent form.

Regarding claims 11, 17, and 29, the Examiner asserts that the strip 20 and the insulation 18 of Franck correspond, respectively, to the support member 408 and the sealing member 407b of the subject application (see FIG. 5 of the subject Specification). Applicants respectfully disagree.

In Franck, the insulation directly contacts the strip 20.

Applicants respectfully submit that the disclosed and claimed sealing member is separate from insulation that fills the space between inner and outer casings.

Applicants respectfully submit that Franck neither discloses nor suggests a "...sealing member...preventing insulation disposed between the inner and outer casings from contacting

the partition wall structure.”

Regarding claim 42, the Examiner asserts that flange structure 23 corresponds to the claimed support flange, and that insulation 18, clip 24, and tubing 22 collectively correspond to the claimed inter-casing structure. While inner liner L appears to have a flange (see FIG. 2 of Franck), a portion of flange structure 23 corresponding to the claimed bent-part does not contact any of insulation 18, clip 24, or tubing 22.

Applicants respectfully submit that Franck neither discloses nor suggests “...a bent-part extending away from the first part away from the first flange, the bent-part contacting and supporting the inter-casing structure, and strengthening the support flange.”

Further, regarding claim 45 and 49, Applicants respectfully submit that Franck neither discloses nor suggests that insulation 18 creates a seal between flange structure 23 and inner liner L (see Franck, at FIG. 6). Similarly, with regard to claim 50, Franck neither discloses nor suggests the structure as recited in claim 50 (see FIG. 9D of the subject application).

Regarding the rejection of claims 32, Rand discloses a cabinet 12, made from a unitary piece of plastic, and having vertical side walls 14, a front end wall 16, a rear end wall 18, a bottom wall 20, and an intermediate support shelf 22. (See Rand, at FIGS. 1 and 2, and col. 2, lines 33-40). Rand also discloses a refrigerator unit 110 (including top wall 152, divider wall 154, and base 164), which is removable for easy replacement or maintenance. Further, the only disclosed material for base 164 is metal. (See Rand, at col. 5, lines 25-28, and col. 5, line 55 to col. 6, line 5).

Applicants respectfully submit that Rand neither discloses nor suggests “...the outer casing being open at a front thereof and stepped at a top thereof to form a lower step at a front area of the top, the outer casing being formed as a single-piece construction....”

Thus, Applicants respectfully submit that independent claims 1, 7, 11, 17, 20, 29, 30, 32, 33, 38, 39, 42, 45, 49, 50, 58, 61, and 62 patentably distinguish over the cited art, and should be allowable for at least the above-mentioned reasons. Further, Applicants respectfully submit that claims 2-6, 8, 9, 12-16, 18, 19, 22, 23, 31, 34-37, 40, 41, 43, 44, 46-48, 52-57, 59, and 60, which variously depend from one of the above-listed independent claims, should be allowable for at least the same reasons as the above-listed independent claims, as well as for the additional features recited therein.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at page 6, the Examiner rejected claim 10 under 35 U.S.C. § 103(a)

as being unpatentable over Vismara in view of the disclosed prior art. The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

Applicants respectfully submit that claim 10, which depends from independent claim 7, should be allowable for at least the same reasons as claim 7, as well as for the additional features recited therein.

CONCLUSION:

In accordance with the foregoing, Applicants respectfully submit that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.


If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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